

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

UNITED STATES OF AMERICA,

VS.

JOEL MICHEL GUTIERREZ,

Defendant

NO. 5:08-CR-71 (HL)

VIOLATIONS: Drug Related

ORDER

The above-named defendant this day appeared before the undersigned for an **INITIAL APPEARANCE HEARING** pursuant to provisions of Rule 5 of the Federal Rules of Criminal Procedure. At said hearing, the court determined that the defendant is an illegal alien and that a detainer has been lodged against him by Immigration Customs Enforcement (ICE). Thus, release from federal custody in the above-styled case appears to be a moot issue.

Accordingly, the court will HOLD IN ABEYANCE any consideration of release of this defendant from custody in this case under the Bail Reform Act of 1984 until such time as the detainer has been lifted. Counsel for the government and for the defendant are directed to immediately advise the court of any such lifting of the detainer; in that event, the defendant shall be brought before this court FORTHWITH for consideration of his release from custody in the above-captioned case under the Bail Reform Act of 1984. In the meantime, he shall remain in the custody of the U. S. Marshal.

SO ORDERED, this 9th day of JANUARY, 2009.



A handwritten signature in cursive script, reading "Claude W. Hicks, Jr.".

CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE